

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:23-CV-897

IN RE:)
CAMP LEJEUNE WATER LITIGATION)
)
This Pleading Relates to:)
ALL CASES)

PLAINTIFFS' LEADERSHIP GROUP'S
MOTION TO COMPEL PRODUCTION OF
CERTAIN DIGITIZED MUSTER ROLLS

Pursuant to Fed. R. Civ. P. 34 & 37, the Plaintiffs' Leadership Group ("PLG") respectfully requests that the Court compel the government to produce the digitized Camp Lejeune muster rolls generated during a digitization project carried out from 2013-2015 by the United States Marine Corps and the Veteran's Administration. In support of this motion, the PLG shows as follows:

1. The phrase "muster rolls" refers to reports that document the military personnel attached to a particular unit or station within the United States Marine Corps ("USMC"). If you know a Marine's unit or station, it is possible to access the applicable muster rolls and identify where the Marine was physically present during certain periods of time. Muster rolls are especially important to Camp Lejeune Justice Act ("CLJA") litigation, because the muster rolls will frequently reveal where a Marine was present on Camp Lejeune, and when.

2. The USMC and the Veteran's Administration ("VA") recently partnered on a muster roll digitization project specifically related to Camp Lejeune. The digitization project took place from 2013 to 2015 and involved the digitization of almost 61 million pages of muster rolls generated from 1940 to 2005 and specific to Camp Lejeune (the "Project"). The critical importance of these digital files to the CLJA litigation is self-evident.

3. The PLG's First Set of Requests for Production, RFP No. 3, specifically referenced the Project and requested production of all digitized muster rolls. To date, the government has failed to produce these digitized muster rolls generated during the Project.

4. The PLG requests that the Court enter an order compelling production of the digital muster rolls generated by the Project. The PLG also requests that the Court compel the government to produce any database or other data sources generated as a result of this digitization Project. Such data may enable the PLG to search the contents of the muster rolls.

5. In a Text Order of February 7, 2024, the Court required that the PLG file any motion to compel the pertinent digitized muster rolls within 10 days. [D.E. 134]. Since Monday February 19, 2024 if a federal holiday, the deadline for the present motion is Tuesday February 20, 2024 pursuant to Fed. R. Civ. P. 6(a)(1)(C).

6. The PLG certifies that there have been good faith efforts to resolve this dispute, and that those efforts have failed.

WHEREFORE, the PLG respectfully requests that the Court compel the government to produce the digitized muster rolls generated during the Project, including any database created during the referenced Project, and for such other and further relief as the Court deems just and proper.

[Remainder of Page Intentionally Left Blank]

DATED this 20th day of February, 2024.

/s/ J. Edward Bell, III

J. Edward Bell, III (admitted *pro hac vice*)
Bell Legal Group, LLC
219 Ridge St.
Georgetown, SC 29440
Telephone: (843) 546-2408
jeb@belllegalgroup.com

Lead Counsel for Plaintiffs

/s/ Zina Bash

Zina Bash (admitted *pro hac vice*)
Keller Postman LLC
111 Congress Avenue, Suite 500
Austin, TX 78701
Telephone: 956-345-9462
zina.bash@kellerpostman.com

*Co-Lead Counsel for Plaintiffs and
Government Liaison Counsel*

/s/ Elizabeth J. Cabraser

Elizabeth J. Cabraser (admitted *pro hac vice*)
Lieff Cabraser Heimann & Bernstein, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111
Telephone: (415) 956-1000
ecabraser@lchb.com

Co-Lead Counsel for Plaintiffs

/s/ W. Michael Dowling

W. Michael Dowling (NC Bar No. 42790)
The Dowling Firm PLLC
Post Office Box 27843
Raleigh, North Carolina 27611
Telephone: (919) 529-3351
mike@dowlingfirm.com

Co-Lead Counsel for Plaintiffs

/s/ Robin L. Greenwald

Robin L. Greenwald (admitted *pro hac vice*)
Weitz & Luxenberg, P.C.
700 Broadway
New York, NY 10003
Telephone: 212-558-5802
rgreenwald@weitzlux.com

Co-Lead Counsel for Plaintiffs

/s/ James A. Roberts, III

James A. Roberts, III
Lewis & Roberts, PLLC
3700 Glenwood Ave., Ste. 410
Raleigh, NC 27612
Telephone: (919) 981-0191
jar@lewis-roberts.com

Co-Lead Counsel for Plaintiffs

/s/ Mona Lisa Wallace

Mona Lisa Wallace (N.C. Bar No.: 009021)
Wallace & Graham, P.A.
525 North Main Street
Salisbury, North Carolina 28144
Tel: 704-633-5244
mwallace@wallacegraham.com

Co-Lead Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I, J. Edward Bell, III, hereby certify that the foregoing document was electronically filed on the Court's CM/ECF system on this date, and that all counsel of record will be served with notice of the said filing via the CM/ECF system.

This the 20th day of February, 2024.

/s/ J. Edward Bell, III _____

J. Edward Bell, III